

IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
3:04-cr-233

UNITED STATES OF AMERICA )  
                                  )  
                                  )  
                                 vs. )                                  ORDER  
                                  )  
                                  )  
STACY JOAN BOGAN )  
                                  )  
\_\_\_\_\_ )

**THIS MATTER** is before the Court upon motions of the defendant pro se to correct her sentence pursuant to 18 U.S.C. § 3582(c)(2). (Doc. Nos. 41, 42).

The defendant asserts that recent decisions by the United States Supreme Court and the United States Court of Appeals for the Eleventh Circuit render her consecutive sentence for aggravated identity theft illegal and unconstitutional. However, § 3582(c)(2) only allows a court to reduce a sentence based on changes in the United States Sentencing Guidelines. Relief from an allegedly illegal or unconstitutional sentence must be pursued under 28 U.S.C. § 2255.

**IT IS THEREFORE ORDERED** that the defendant's motions are **DENIED**.

Signed: December 21, 2011

  
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Robert J. Conrad, Jr.  
Chief United States District Judge  
